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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,078	08/20/2001	Jon C. Marine	MAT 3D6	7532

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EXAMINER

LEE, KYUNG S

ART UNIT	PAPER NUMBER
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2832

DATE MAILED: 09/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application N .

09/934,078

Applicant(s)

MARINE, JON C.

Examiner

Richard K. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) 28-33 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-27 is/are allowed.
- 6) ☒ Claim(s) 1,2,5-8,34 and 38-40 is/are rejected.
- 7) ☐ Claim(s) 9-19,35-37,41,42 and 44-49 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Group I (claims 1-27 and 34-49) in Paper No. 8 is acknowledged. The traversal is on the ground(s) that, since the subject of the application are drawn to a method of using and a product of a motion response sensor "A single examination and search is appropriate for all the claims." This is not found persuasive because contrary to Applicant's statement "providing a sensor having ..." as claimed in claim 28, does not fall under the category of "process of using" but, rather a production step. Additionally, dependent claims 29-31 recite "controlling an entry angle..." Controlling an entry angle to form first or second contact to a "substantially v-shaped orientation" (claim 29) is a clear production step. Further, the preamble fails to recite a method of using or similar language. Finally, since Applicant acknowledges the "scope of claims 1-27 and 34-49 differs from the scope of claims 28-33" the restriction made is deemed proper. As for "the examiner to provide an example" please see the Office Action mailed June 13, 2003.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 7-8, 34 and 39-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith (2,384,652).

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Smith teaches a sensor comprising:

a housing 11 (see fig. 1) having an annular track;

a substantially cylindrical contact 25;

the contact 25 movable within the track; and

a plate 14 coupled to the housing 11, the plate 14 comprising at least one pair of contacts (see page 1, line 43, left) situated substantially adjacent to the track.

Regarding claims 7 and 39, the housing 11 includes one or more pin receiving holes and the plate 14 includes one or more pins 10 for aligning the plate with the housing. Regarding claim 8, Smith discloses a plurality of the pins and pin holes for alignment.

4. Claims 1, 5-7, 34, 38, 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Niconienko (3,996,440).

Niconienko teaches a sensor comprising:

a housing with an annular track (see fig. 1);

a substantially cylindrical contact 18; and

a plate 10 coupled to the housing, the plate comprising at least one pair of electrical contacts 12.

Regarding claims 5 and 6, Niconienko discloses a notch and a protuberance (see fig. 2 as noted), on the outer radial portions of the plate and the housing, respectively, for alignment.

Regarding claims 7 and 38, pin hole 22 of the housing and pin 40 of the plate 10 aligns the housing to the plate.

Regarding claim 43, plate 10 is a circuit board with contacts 12.

*Allowable Subject Matter*

5. Claims 3-4, 9-19, 35-37, 41-42, 44-49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 3 and 49 recites the cylindrical contact having “helical grooves and ridges disposed on the exterior surface.” Such claimed cylindrical contract structure is neither disclosed nor suggested by the prior art of record.

Claim 9 defines an annular track for containing the cylindrical contact. Such claimed structures of the annual track with the cylindrical contact are neither disclosed nor suggested by the prior art of record. Claims 10-19 depend on claim 9.

Claim 35 defines an annular track (claim 9) housing a cylindrical contact. Claim 36 depends on claim 35.

Claim 41 recites a plate “with a post defining a mounting hole...” The claimed post, in conjunction with claim 34, is not disclosed or suggested by the prior art of record. Claim 42 depends on claim 41.

Claim 44 recites “a plurality of electrical connectors ...” The claimed electrical connection, in conjunction with claim 34, is not disclosed or suggested by the prior art of record. Claims 45 and 46 depend on claim 44.

Claim 47 recites “pairs of electrical contacts positioned within one or more recesses formed in an outer wall of the housing.” The claimed electrical connection, in conjunction with claim 34, is not disclosed or suggested by the prior art of record.

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Claim 48 recites "contact of each pair of electrical contacts sloped to one another to cradle the cylindrical contact..." Claimed contact structure, in conjunction with claim 34, is not disclosed or suggested by the prior art of record.

6. Claims 20-27 are allowed.

Claim 20 recites a defined (lines 3-5 of claim 20) annular track containing a cylindrical contact within the track. Claim 20 further defines a circuit board with pairs of contacts which may be contacted via the cylindrical contact for electrically coupling. Such claimed structures are neither disclosed nor suggested by the prior art of record. Claims 21-27 depend on claim 20.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard K. Lee whose telephone number is (703) 306-9060. The examiner can normally be reached on Mon. to Fri. 5:30AM to 2:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin G. Enad can be reached on (703) 308-7619. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

Richard K. Lee  
Examiner  
Art Unit 2832

